

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re:	:	
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THE FINANCIAL OVERSIGHT AND	:	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	:	Title III
	:	
as representative of	:	Case No. 17-BK-3283 (LTS)
	:	
THE COMMONWEALTH OF PUERTO RICO <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors. ¹	:	
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**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' STATEMENT IN PARTIAL
SUPPORT OF MOTION OF ATLANTIC MEDICAL CENTER, INC. AND OTHER
HEALTH SERVICE PROVIDERS FOR (I) ENFORCEMENT OF COURT'S PRIOR
ORDER AND (II) RELIEF FROM AUTOMATIC STAY**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors (the "Committee")² respectfully submits this statement in partial support of the motion of Atlantic Medical Center, Inc. and certain other health services centers (collectively, "Movants")³ for (i) enforcement of Court's prior order and

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

³ In addition to Atlantic Medical Center, Inc., Movants include Camuy Health Services, Inc., Centro de Salud Familiar Dr. Julio Palmieri Ferri, Inc., Ciales Primary Health Care Services, Inc., Corp. de Serv. Médicos Primarios y Prevención de Hatillo, Inc., Costa Salud, Inc., Centro de Salud de Lares, Inc., Centro de Servicios Primarios de Salud de Patillas, Inc., and Hospital General Castañer, Inc.

(ii) relief from the automatic stay [Docket No. 12918] (the “Motion”). In support of this statement, the Committee respectfully states as follows:

STATEMENT

1. The Committee supports the Motion to the extent it requests relief from the automatic stay to allow Movants to liquidate their claims against the Debtors in the Prepetition Litigation.⁴ Since these Title III cases were filed more than three years ago, very few general unsecured creditors with disputed claims against the Debtors have had the amounts of their claims fixed,⁵ and none have obtained payment on those claims through a plan of adjustment or otherwise—even though many *undisputed* general unsecured claims have been paid by the Debtors. Some creditors, such as Movants, have been waiting even longer, since well before these cases were filed, to have their day in court. It is long past time for some progress to be made in liquidating the amounts of these disputed claims. For this reason, the Committee supports the limited stay relief requested by Movants.

2. To be clear, the Committee supports the Motion only insofar as it seeks to permit the Prepetition Litigation to proceed to judgment (*i.e.*, to fix the amount of Movants’ claims). The Committee does not and would not support a further request by Movants to enforce a judgment against the Debtors or to otherwise determine the priority or treatment of their claims. Such issues must be dealt with solely by this Court in these Title III cases.⁶ In addition, the Committee takes no position on the Motion’s request to enforce a prior order of this Court.

⁴ Capitalized terms used but not defined herein shall have the meanings given to them in the Motion.

⁵ The Committee recognizes that, to date, the Oversight Board has filed almost 200 omnibus claim objections; however, these objections have been based on non-substantive grounds (e.g., duplicative claims, amended claims, wrong debtor claims, etc.).

⁶ The Committee reserves all rights with respect to the priority or treatment of Movants’ claims, including to object to the assertion Movants have made elsewhere that their claims are not subject to discharge. The Committee has conferred with counsel to Movants regarding revisions to the Proposed Order making clear that (i) with respect to prepetition claims, the stay will be lifted solely for the purpose of allowing the litigation to

WHEREFORE, the Committee supports the Motion and requests that it be granted to the limited extent set forth herein.

Dated: May 28, 2020

By: /s/ Luc A. Despins

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proceed to judgment for the purpose of fixing such claims, and (ii) all parties reserve all rights with respect to the dischargeability or treatment of Movants' claims in the Title III cases. The Committee understands that Movants will be submitting a revised Proposed Order with such revisions to the Court.